

June 28, 2000

Sent via e-mail and hand-delivery

Mary L. Cottrell, Secretary

Massachusetts Department of Telecommunications and Energy

One South Station, 2nd Floor

Boston, MA 02114

Re: Accelerated Docket Rulemaking, D.T.E. 00-39

Dear Ms. Cottrell:

The Department of Telecommunications and Energy ("Department") has solicited comments on proposed rules to govern expedited dispute resolution processes for complaints between telecommunications carriers. *Accelerated Docket Rulemaking*, D.T.E. 00-39 ("Accelerated Docket").⁽¹⁾ The Attorney General congratulates the Department for proposing a set of procedures based on federal guidelines that may allow carriers to resolve differences promptly and efficiently, while retaining the necessary discretion to determine which cases qualify for expedited review.

In the spirit of moving cases along, the Department has limited intervention by non-parties "consistent with G.L. c. 30A and with the scope of the expedited proceedings."⁽²⁾ This decision by the Department certainly will curtail non-party participation in the expedited proceedings and, consequently, should limit the precedential value of Departmental orders in Accelerated Docket cases. The lack of intervention may also give rise to inconsistent resolutions among carriers, to which the Department should be sensitive. The General Court has charged the Attorney General with the duty to represent consumer interests before the Department under G.L. c. 12, § 11E.⁽³⁾ Because of this mandate, the Department should modify its rules to recognize this directive. The Attorney General intends to respect the Department's clear imperative for speedy resolution and anticipates that his involvement in Accelerated Docket matters will be limited to those cases which present, in his view, matters of significant policy interests that should be considered outside of the Accelerated Docket.

In general, the proposed regulations appear to be fairly well designed to: (1) encourage carriers to resolve disputes between themselves before coming to the Department; (2) guide the parties through staff mediation towards an amicable resolution; and (3) when mediation fails, settle the primarily single issue, two-party disputes on an expedited schedule. The Department is to be commended for creating this expedited review process, which should help the telecommunications market in Massachusetts develop and adapt to the ever-changing demands of technology and consumer needs.

Sincerely,

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Commissioner Deirdre K. Manning

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Kimberly Tran, Computer Division (via e-mail only)

1. *Accelerated Docket*, D.T.E. 00-39, Order Instituting Rulemaking, filed June 5, 2000 ("Order").

2. Order at 3.

3. G.L. c. 12, § 11E reads, in pertinent part, as follows: "The attorney general is hereby authorized to intervene in administrative or judicial proceedings held in the commonwealth on behalf of any group of consumers in connection with any matter involving the rates, charges, prices or tariffs of an electric, gas, telephone or telegraph company doing business in the commonwealth and subject to the jurisdiction of the department of telecommunications and energy."